

HOUSE COMMERCE AND ECONOMIC DEVELOPMENT COMMITTEE SUBSTITUTE
FOR HOUSE BILL 328

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING THAT CERTAIN BENEFIT PLANS OFFERED BY AN EMPLOYEE
LEASING CONTRACTOR TO THE LEASED WORKERS OF THE EMPLOYEE
LEASING CONTRACTOR BE TREATED AS A SINGLE EMPLOYER WELFARE
BENEFIT PLAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 60-13A-10 NMSA 1978 (being Laws 1993,
Chapter 162, Section 10) is amended to read:

"60-13A-10. EMPLOYMENT CONTRIBUTIONS--BENEFITS--TAX
WITHHOLDING.--

A. An employee leasing contractor shall provide any
benefits required by law to be provided employees by employers.
The employee leasing contractor shall provide to the department
proof of any required insurance benefits prior to registration

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1 or renewal of registration.

2 B. A fully insured welfare benefit plan offered by
3 an employee leasing contractor to the leased workers of the
4 employee leasing contractor shall be treated for purposes of
5 New Mexico law as a single employer welfare benefit plan."

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